

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DAWN GRAY,

Plaintiff

v.

MAIN LINE HOSPITALS, INC.

Defendant

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)
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)
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)

2:23-cv-00263-KNS

MOTION TO STRIKE

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Counsel for Plaintiff

November 27, 2023

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DAWN GRAY,)	
)	
Plaintiff)	2:23-cv-00263-KNS
)	
v.)	MOTION TO STRIKE
)	
MAIN LINE HOSPITALS, INC.)	
Defendant)	
)	

MOTION TO STRIKE

AND NOW comes Plaintiff, Dawn Gray, by and through her attorney, John A. Daller, and submits this Motion to Strike pursuant to Fed. R. Civ. P. Rule 12 (4)(f) and states as follows:

1. Defendant submitted a Motion for Summary Judgement on October 2, 2023.
2. Plaintiff submitted a Reply to Defendant's Motion for Summary Judgement and included Plaintiff's Proposed Statement of Additional Undisputed Facts in Opposition to Defendant's Request For Summary Judgement on October 30, 2023.
3. Defendant submitted Defendant's Response to Plaintiff's Reply to Defendant's Motion for Summary Judgement and Defendant's Response to Plaintiff's Counterstatement of Facts in Opposition to Defendant's Motion for Summary Judgment on November 15, 2023.
4. In its Response, Defendant cited in its Defendant's Response to Plaintiff's Counterstatement of Facts in Opposition to Defendant's Motion for Summary Judgment (3:160) to an exhibit, a document purported to be a confidential and personal letter sent via certified mail to Dr. Peter McCullough.
5. The Plaintiff objects to the inclusion of a document without leave of the court that is not already part of the record as required pursuant to Fed. R. Civ. P. Rule 56 (c)(1)(A).

6. The Plaintiff further objects to the submission of the document that is dated over one year ago because it is inaccurate as Dr. McCullough remains board certified. (verification obtained 11/23/2023 at <https://www.abim.org/verify-physician?type=name&ln=McCullough&fn=peter> and copy heretofore attached as **EXHIBIT A**).

7. The statement is impertinent and scandalous in nature as it is based upon a letter that is incorrect and not part of the record.

8. The statement and the exhibit should be stricken pursuant to Fed. R. Civ. P. Rule 12 (f)(2).

WHEREFORE, the Plaintiff respectfully requests this Honorable Court to strike the Exhibit and statement in the Defendant's Response to Plaintiff's Counterstatement of Facts in Opposition to Defendant's Motion for Summary Judgment (3:160).

November 27, 2023

Respectfully submitted,

/s/John A. Daller, Esquire
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Counsel for Plaintiff

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Motion to Strike has been filed electronically in Federal Court Eastern District of Pennsylvania and served this 24th day of November 2023, via electronic mail pursuant to the Federal Rules of Civil Procedure Rule 5 (b)(2)(E) upon the following:

Via email

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Respectfully Submitted,

/s/ John A. Daller

Date: November 27, 2023

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**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DAWN GRAY,)	
)	
Plaintiff)	2:23-cv-00263-KNS
)	
v.)	
)	ORDER
MAIN LINE HOSPITALS, INC.)	
Defendant)	
)	

ORDER

AND NOW, this _____ day of _____ 2023, upon consideration of Plaintiff's Motion to Strike, it is hereby ORDERED that Plaintiff's Motion is GRANTED and it is DECREED that the Exhibit and citation to the Exhibit in Defendant's Response to Plaintiff's Counterstatement of Facts in Opposition to Defendant's Motion for Summary Judgment (3:160) is hereby STRICKEN.

BY THE COURT:

Honorable Kai N. Scott